

Appln No. 10/758,558

Amendment in Reply to the Final Office action dated July 19, 2005

### REMARKS

The foregoing amendments to the claims are proposed under Rule 116 in response to the Final Office action in an effort to place the application in condition for allowance as hereinafter pointed out.

Claims 1-5 were finally rejected over the newly cited U.S. Patent No. 3,863,393 to Goff as the primary prior art reference because its disclosure refers to a paint sprayer as the work means 16 adjustably positioned on a vertically disposed surface, such as a ship hull, a uniform horizontal distance therefrom, from which paint is sprayed onto the surface. It was however conceded on page 4 of the Final Office action under paragraph 6, that the Goff patent fails to disclose an applicator ejecting a liquid paint onto the ship hull surface being treated. In view of such concession, the Estebanez et al. patent previously cited, was relied on under 35 U.S.C. 103(a) because of its disclosure of a paint applicator spraying liquid paint onto a ship hull surface.

The latter referred to final rejections based on the disclosures in the Goff and Estebanez et al. patents as stated in the Final Office action does not however take into account that the Goff patent fails to disclose facilities for adjustably positioning the paint sprayer applicator 16 at horizontally different distances from the surface to be treated, as in the case of the present invention. In regard to the Estebanez et al. patent, its disclosure precludes support of the paint ejecting applicator (D) exclusively on the vertical surface (K) being treated, as in the case of the present invention. Both of the latter referred to distinctions of the present invention over the Goff and Estebanez et al. patents are interrelated as set forth in amended claim 1 by recitations of: "guidance means exclusively supported on the--target surface--and selectively controlled means for positioning of the support means--from which said--ejection--is effected--at different horizontally spaced distances from the target surface--". Accordingly, the interrelated

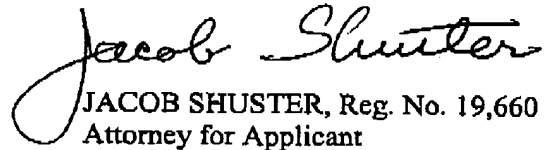
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distinctions set forth in the amended claims negates obviousness with respect to the subject matter of the present invention as a whole under 35 U.S.C. 103(a).

In view of the foregoing interrelated distinctions of the present invention over the prior art references applied, to which claim 1 as amended is limited, entry of the proposed amendments is in order and hereby requested in order to place the application in condition for allowance.

Respectfully submitted,

  
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